

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4999-02
Bill No.: HB 2286
Subject: Licenses-Professional; Department of Health and Senior Services
Type: Original
Date: April 6, 2010

Bill Summary: This legislation establishes the Missouri Radon Certification Program to certify radon designers, installers, and testers.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	(\$64,764)	(\$60,905)	(\$62,731)
Total Estimated Net Effect on General Revenue Fund	(\$64,764)	(\$60,905)	(\$62,731)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	1 FTE	1 FTE	1 FTE
Total Estimated Net Effect on FTE	1 FTE	1 FTE	1 FTE

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Sections 324.800 - 324.845:

Officials from the **Department of Conservation, Office of the State Courts Administrator, Department of Corrections, Department of Natural Resources, and the Department of Insurance, Financial Institutions & Professional Registration** each assume the proposal would have no fiscal impact on their respective agencies.

Officials from the **Department of Health and Senior Services (DHSS)** assume this legislation does not provide DHSS with rule-making authority for this program, nor does it allow DHSS to charge a fee for the Missouri certification. For this reason all expenses will be funded by General Revenue.

Section 324.800.1: Establishes the Missouri Radon Certification Program within the DHSS. One Health Program Representative I/II (\$29,580, A18, Step F) will required to perform the following duties: create a data base for maintaining a registry of certified individuals and businesses conducting radon services in the state of Missouri; monitor activities of individuals and businesses conducting radon services in the state; track required accredited continuing education hours; creating copies of records associated with the provision of services to clients for a period of five years; provide a process for resolution of complaints; and conduct random audits to assure the integrity of the program.

Personal services and corresponding expense and equipment costs would be needed for the full 12 months during the first year.

Section 324.809.1: This section states, "Beginning January 1, 2011, no person may provide radon services for the measurement or mitigation of the presence of radon in the state of Missouri unless such person has been nationally certified and certified by the DHSS under sections 324.800 to 324.845." If this legislation is passed, the Department would not have the capacity to certify these individuals by the implementation date unless funding was appropriated in the FY-11 budget for this purpose. If funding was not appropriated until FY-12 (which would be the typical time frame for when legislation is funded), DHSS would not have the resources to certify radon service providers by the implementation date. This would prevent these providers from being able to legally providing radon services after January 1, 2011, until funding was appropriated to implement this legislation.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
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GENERAL REVENUE FUND

Costs - Department of Health and Senior Services

Personal Service	(\$30,467)	(\$31,381)	(\$32,323)
Fringe Benefits	(\$15,977)	(\$16,456)	(\$16,950)
Equipment and Expense	(\$18,320)	(\$13,068)	(\$13,458)
<u>Total Costs - DHSS</u>	<u>(\$64,764)</u>	<u>(\$60,905)</u>	<u>(\$62,731)</u>
FTE Change - DHSS	1 FTE	1 FTE	1 FTE

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$64,764)</u>	<u>(\$60,905)</u>	<u>(\$62,731)</u>
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Estimated Net FTE Change for General Revenue Fund	1 FTE	1 FTE	1 FTE
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<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
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<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

Most radon professionals in the state are considered small businesses. They will be required to be certified by the National Environmental Health Association (NEHA) or the National Radon Safety Board (NRSB). The NEHA National Radon Proficiency Program is the leading certification program for radon professionals in North America. The initial application fee of \$150 certifies an individual for two years. Subsequent renewals will be at a lower biennial fee, currently set at \$130. The current fee for the combined radon measurement/mitigation course and both exams is \$550. If the individual chooses to take only the radon mitigation course and exam, the fee is \$375. The NSRB certification fee for individuals is \$85 for one year or \$130 for two years. In addition, no person shall provide radon services except as authorized under sections 324.800 to 324.845. Any violation of sections 324.800 to 324.845 is a misdemeanor punishable by a fine of not more than one thousand dollars per violation.

FISCAL DESCRIPTION

Sections 324.800 - 324.845:

This legislation establishes the Missouri Radon Certification Program within the Department of Health and Senior Services to certify providers of radon services. In its main provisions, the legislation:

- (1) Requires national certification and state certification and registration for all individuals and businesses performing radon services in the state;
- (2) Exempts from certification anyone testing for or mitigating radon in a building that he or she owns; anyone designing mitigation plans for radon resistant new construction; state officials conducting tests in state facilities, public schools, and other state-funded buildings; and anyone performing scientific research regarding testing or mitigation of radon if he or she notifies the building's owner of certain specified information;
- (3) Requires, beginning January 1, 2011, anyone providing radon services for the measurement or mitigation of the presence of radon to be nationally certified and certified by the Department. To obtain certification, an applicant must:
 - (a) Be qualified to perform the services for which he or she is seeking certification, including the required training and experience;
 - (b) Have successfully completed the National Environmental Health Association's National Radon Proficiency Program or the National Radon Safety Board's Certified Radon Professional Program for the services which the applicant is seeking certification; and
 - (c) Provide continued verification of the required credentials that are current and that the certification has not been suspended, expired, or revoked. Any person whose national certification has been suspended, expired, or revoked will also have his or her state certification suspended or revoked;
- (4) Requires national protocols to be used during the deployment of radon measurement and mitigation activities. A radon service provider must use the protocols of the national organization from which he or she completed the certification exam;
- (5) Requires the most current version of the American Society for Testing Materials (ASTM) Standard E2121 to be used when discrepancies exist between the radon mitigation system configurations and the deployment. When discrepancies exist between the national protocols and

FISCAL DESCRIPTION (continued)

local codes and regulations, the local codes and regulations will take precedence, except in regard to alterations to the system which may adversely impact the system's performance to reduce radon levels;

(6) Requires a radon service provider applicant to complete the specific requirements in order to be certified. If a disruption in a provider's national certification occurs, the provider must report it to the Department within 15 calendar days;

(7) Requires all analytical laboratories to meet the requirements for certification with the National Environmental Health Association's National Radon Proficiency Program and have a responsible party who is nationally certified as a residential measurement provider;

(8) Requires the Department to maintain a list of certified radon service providers and make it available to the public and the Missouri Real Estate Commission within the Department of Insurance, Financial Institutions and Professional Registration for dissemination and communication with its members, Realtors, consultants, and constituents;

(9) Requires radon mitigation providers to include a statement in all contracts for the installation of a mitigation system that a system should be tested by an independent radon measurement professional and should occur between 24 hours and 30 days after the system has been installed. A radon mitigation provider may provide a short- or long-term radon testing kit to the client to meet the independent radon measurement post-mitigation test requirement if the test results are analyzed by an independent qualified radon laboratory. If the requirement for independent post-mitigation testing is waived, the client must sign the contract agreeing to waive this requirement;

(10) Requires all individuals and businesses providing radon services in Missouri to complete the continuing education requirements of the national organizations and to complete two or more continuing education hours promoting radon awareness to the citizens of Missouri;

(11) Allows applications for state radon services to be submitted at any time. If an applicant meets all the requirements, the Department must review the application and validate the supportive documents, including the applicant's national accreditation. Renewal of state certification must coincide with the provider's national accreditation period;

(12) Requires all radon service providers to retain copies of certain specified records for five years. The records may be in paper or electronic form. The Department may require copies of any or all records maintained by the provider at any time; may require statistical information on a

FISCAL DESCRIPTION (continued)

periodic basis; or may make random documentation audits, schedule on-site visits, or request to accompany a service provider while performing any radon measurement or mitigation activities. Failure to comply with a documentation request from the Department can result in the revocation or suspension of a provider's certification;

(13) Allows any provider residing outside the state who holds a national radon measurement or mitigation certification to apply for state certification;

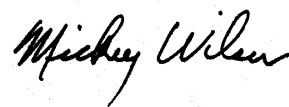
(14) Specifies the procedures to be taken when complaints are filed with the Department against a state-certified radon service provider. If repeated complaints with merit are filed against a provider, the Department must notify the national certifying organization to assess disciplinary action up to and including revoking state certification and requesting revocation of the provider's national certification; and

(15) Specifies that anyone providing radon services who is not authorized under the program will be guilty of a misdemeanor punishable by a fine of up to \$1,000 per violation.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator
Department of Insurance, Financial Institutions and Professional Registration
Department of Natural Resources
Department of Corrections
Department of Health and Senior Services
Department of Conservation



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